



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,240	03/24/2004	Katsushi Matsumoto	250673US0	4533
22850	7590	04/18/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MORILLO, JANEL COMBS	
			ART UNIT	PAPER NUMBER
			1742	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/18/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/18/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/807,240	Applicant(s) MATSUMOTO ET AL.	
	Examiner Janelle Combs-Morillo	Art Unit 1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 7-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>032104, 081505, 062104</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of group I claims 1-6 in the reply filed on January 29, 2007 is acknowledged. The traversal is on the ground(s) that the examiner fails to suggest an specific examples that the product can be formed by a separate process. This is not found persuasive because the restriction requirement mailed 12/29/2006 sets forth that the instant Al-Mg-Si alloy product with low deviation in texture in the width direction can be made by a materially different process such as extrusion or warm rolling, etc. Additionally, though applicant argues there is no serious burden to search groups I and II together, the examiner disagrees, and maintains the restriction because there would be a serious burden on the examiner if restriction is not required because said inventions require a different field of search (see MPEP § 808.02).

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (US 6,231,809).

Matsumoto teaches an Al-Mg-Si alloy sheet with 0.2-1.5% Mg, 0.2-1.5% Si, one or more of 0.01-1.5% Total Mn, Cr, Fe, Zr, V, and Ti, and 0.01-1.5% Cu or Zn (abstract), which overlaps the presently claimed ranges of Mg, Si, Fe, Mn, Cr, Zr, V, Cu, Zn, Ti (cl. 1-6).

Though Matsumoto does not mention the deviation in texture every 500 μm along the width direction (cl. 1) or sizes of textures (cl. 4), Matsumoto teaches said Al-Mg-Si alloy sheet is fabricated by working and heat treating to produce a sheet without ridging marks (examples, Table 5). Because Matsumoto teaches a substantially overlapping Al-Mg-Si alloy processed in a similar method of rolling and heat treating, and obtaining a sheet product without ridging marks, then substantially the same amount of texture dispersion is expected for Matsumoto as for the instant invention. Therefore, it is held that Matsumoto has created a prima facie case of obviousness of the presently claimed invention.

4. Claims 1-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (US 6,334,916).

Matsumoto'916 teaches an Al-Mg-Si alloy sheet with 0.1-2.0% Mg, 0.1-2.0% Si, one or more of 0.01-1.5% total Mn, Cr, Fe, Zr, V, and Ti, and $\leq 1\%$ Cu or $\leq 1\%$ Zn (column 2 lines 50-65)), which overlaps the presently claimed ranges of Mg, Si, Fe, Mn, Cr, Zr, V, Cu, Zn, Ti (cl. 1-6).

Though Matsumoto'916 does not mention the deviation in texture every 500 μm along the width direction (cl. 1) or sizes of textures (cl. 4), Matsumoto'916 teaches said Al-Mg-Si alloy sheet is fabricated by working and interannealing to transform non-uniform structure to make into homogeneous recrystallized structure (column 8 lines 10-13). Because Matsumoto'916 teaches a substantially overlapping Al-Mg-Si alloy processed in a similar method of rolling and

Art Unit: 1742

interanneal heat treating to produce a uniform structure(see Ex. Table 3), thereby obtaining a sheet product with excellent deep drawability, then substantially the same amount of texture dispersion is expected for Matsumoto'916 as for the instant invention. Therefore, it is held that Matsumoto'916 has created a prima facie case of obviousness of the presently claimed invention.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle Combs-Morillo whose telephone number is (571) 272-1240. The examiner can normally be reached on 8:30 am- 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JCM
April 10, 2007

Georgiy V. Shcherbakov
GEORGIY V. SCHERBAKOV
PRIMARY EXAMINER
APR 12 2007